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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,796	08/24/2001	Bruce Purkey	26640A	2162

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Jeffrey S. Whittle
Bracewell & Patterson, L. L. P.
711 Louisiana Street, Suite 2900
Houston, TX 77002-2781

EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,796	PURKEY, BRUCE	
	Examiner	Art Unit	
	Roberto J Rios	2836	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 August 2001 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-13 and 18-20 is/are allowed.

6) Claim(s) 14-16,21,22,30 and 31 is/are rejected.

7) Claim(s) 17 and 23-29 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 January 2002 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they need to include the following reference sign(s) mentioned in the description in all the appropriate Figures: (38). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 17 is objected to because of the following informalities:

Claim 17 recites in line 14, "responsive to the starter". It is believed that the power delivery controller is responsive to the *alternator*. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-16, 21, 22, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke (US patent 5,207,194) in view of Clerici (US patent 5,207,194).

As per claims 14 and 21, Burke teaches a user-actuated ignition system for starting an internal combustion engine in a vehicle, the system comprising: a starter (16)

responsive to the user and having an electrically driven motor to crank the engine (12); an alternator (14); and a capacitor (30) electrically connected to the starter to provide power for driving the motor of the starter and thereby enabling the starter to crank the engine and to the alternator for receiving power from the alternator when the alternator is generating electrical current (col. 2, line 55 – col. 3, line34). Burke does not specifically disclose providing an n-celled capacitor, wherein the number of cells, n, corresponds to the amount of power delivered to the starter by the capacitor and the amount of power delivered from the alternator to the capacitor. However, Clerici teaches a system for staring an engine comprising a plurality of capacitors corresponding to the amount of power delivered to the starter by the capacitors and the amount of power delivered from the alternator to the capacitors (col. 3, line 14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Burke with the teachings of Clerici such that a plurality of capacitors is provided for the purpose of providing a starting system with the appropriate starting power needed.

As per claims 15, 16 and 22, Clerici teaches providing a plurality of cells to achieve a desired capacity but does not specifically disclose the claimed power requirement. However, the Examiner takes official notice that it is well known in the art to select a particular power requirement based generally on the system's capacity and ^{see} the capacitor type, *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).
Thus, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the teachings of Burke in view of Clerici to adapt the capacitor's bank power capacity to a particular system requirement.

As per claims 30 and 31, Burke teaches the step of selectively supplying power from the capacitor to the electrical system being performed when the power available to the electrical system from the battery is insufficient to perform a function otherwise powered by the electrical system (col. 2, line 25+).

5. Art of general nature relating to auxiliary engine cranking has been cited for applicant's review.

Allowable Subject Matter

6. Claims 1-13, and 17-20 are allowed over the prior art of record. Claim 17 remains objected as indicated above.

7. Claims 23-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art record teaches an auxiliary engine cranking system comprising an auxiliary capacitor, wherein said capacitor delivers power to said starter in response to a switch actuation but fails to teach or fairly suggest a power delivery controller connected between said capacitor and said start for controlling delivery of power to said starter from said capacitor in response to the alternator being energized as in the claimed combination of elements recited in claims 1, 7, 17 and 23 respectively.

Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Roberto J. Rios
Patent Examiner